

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA BOARD OF TEACHING

In the Matter of the Proposed Revocation
of the Teacher License Renewal Privilege
of Mardell A. Rodman

FINDINGS OF FACT
CONCLUSIONS AND RECOMMENDATION

The above-entitled matter came on for hearing at the Office of Administrative Hearings in Minneapolis on September 21, 1995. Erica Jacobson, Assistant Attorney General, 1200 NCL Tower, St. Paul, MN 55101-2130 appeared on behalf of the staff of the Executive Secretary of the Minnesota Board of Teaching ("Board", Secretary). Mardell A. Rodman ("Licensee", "Teacher"), 12904 West Fifth Street, Duluth, MN 55808 appeared on her own behalf. The record closed on October 5, 1995.

NOTICE

Notice is hereby given that, pursuant to Minn. Stat. § 14.61, the final decision of the Board of Teaching shall not be made until this Report has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Board. Exceptions to this Report, if any, shall be filed with Judith A. Wain, Executive Secretary, Minnesota Board of Teaching, 608 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Pursuant to Minn. Stat. § 214.10, subd. 2, a board member who was consulted during the course of an investigation may participate at the hearing, but may not vote on any matter pertaining to the case.

STATEMENT OF ISSUE

Whether the teacher license renewal privilege of Mardell A. Rodman should be revoked for altering her 1990 license and accepting employment as a teacher after the license expired on July 1, 1992?

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. On September 24, 1990, Mardell A.. Rodman was issued a teacher's license (Sec'y. Ex. 1B) in Pre-kindergarten Education and Family Education/Childhood Family Education by the Minnesota Board of Teaching. The license, which had a serial number of 161362, expired on July 1, 1992.

2. From the fall of 1990 through the spring of 1995, Ms. Rodman was employed part-time as a teacher, mostly for Independent School District 709 (Duluth Public Schools), filling positions that required licensure in the areas for which she was licensed in 1990.

3. In order to be licensed properly for the time she was employed as a teacher, Ms. Rodman would have had to renew the license issued in 1990 on or before July 1, 1992 and July 1, 1994 since the licensure level for which she was qualified was on a "two-year renewable" cycle. The Teacher License Office of the Minnesota Department of Education ("Department") handles license processing and renewal for the Board of Teaching. Under Department procedures, each re-licensing application would have been accompanied by a \$40 check for the processing fee and the separate receipt of each fee would have been assigned a separate serial number.

4. Sometime during the winter of 1994-95, the personnel office of the Duluth School District asked to see the "original" of Ms. Rodman's license, which purportedly licensed her to teach through July 1, 1996. Ms. Rodman told Duluth personnel her "original" license had been destroyed, but that she had a photocopy, and she submitted the copy as requested on March 7, 1995 (Sec'y. Ex. 1D). That copy, which was forwarded to the Department's Teaching License Office for further investigation, purports to be a license issued to Ms. Rodman on June 17, 1994, expiring July 1, 1996. It bears a serial number of 161362, the same serial number assigned to Rodman's 1990 license.

5. In addition to bearing a serial number matching the license issued in 1990, the copy submitted by Rodman to Duluth personnel shows in the sections on "Date of Issuance" (6/17/94) and "Expiration Date" (1996) the digit "1" shaped in a style different from the uniform style of all other digits "1" on the face of the document. The copy submitted by Rodman has a horizontal line at the base of the "1", whereas all other digits "1" on the document have no such lines at the base of the digit. From this observation, the Duluth personnel and persons at the Teacher Licensing Office at the Department concluded the copy submitted by Rodman may have been altered.

6. In addition to the design discrepancy noted in the preceding Finding, the Department's investigation revealed that all transactions at the Teacher License Office on June 17, 1994 received serial numbers ranging between 262361 and 262610, a discrepancy of over one hundred thousand transactions from the serial number 161362 appearing on the copy presented by Rodman. The Department also performed a check

to see if any fee payments had been received from Rodman, but could find no record of any money received from her since 1990.

7. On July 19, 1995, Ms. Rodman met with Assistant Attorney General Jacobson and the Executive Secretary of the Board of Teaching and, at their request, presented them with a copy of her purported license. The copy presented on July 19 (Sec'y. Ex. 1E) contains a uniform, correct design for all digits "1" but still bore serial number 161362.

8. On July 25, 1995, Assistant Attorney General Jacobson, on behalf of the Executive Secretary, issued a Request for Admissions which asked Ms. Rodman, among other things, to admit she had falsified the license issued to her in 1990 to show an expiration date of July 1, 1996, that she had stated falsely that she had renewed her license properly and received renewed licenses in 1992 and 1994, that she was not licensed properly for the teaching positions she held in school years 1993-94 and 1994-95 and that she had not held a valid Minnesota Teaching License since July of 1992. Ms. Rodman filed a response to the Request for Admissions on August 4, 1995, which response denied all of these allegations.

9. The Teacher presented a check carbon at the hearing, which carbon purported to represent a check she had written to the "Commissioner of Education" on May 28, 1994 for \$40.00, on the joint account of herself and her husband with the Superior Community Credit Union. The check purported to be represented by the carbon was never processed by the Department of Education and never cleared through the Rodmans' account at the Superior Community Credit Union.

10. Ms. Rodman maintains the "original" license she received for 1994-96 was destroyed by water damage (see Licensee's Exhibits 14A-C) when her basement was flooded. As a result, her only evidence of current licensure was a photocopy of the original she had submitted to the Duluth School District Office when she applied to teach there prior to the start of the 1994-95 school year.

11. Ms. Rodman is an effective, popular teacher (see Licensee's Exhibits 9-13) who is active in her church. The Duluth School District has terminated her employment as a result of this matter, and she has been unemployed since the end of the 1994-95 school year.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Administrative Law Judge and the Board of Teaching have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50, 125.09, 125.85 and 214.10 and Minn. Rules 8700.0700 and 8700.7500.

2. The Notice of and Order for Hearing was proper and all relevant substantive and procedural requirements of law and rule have been fulfilled.

3. Any Findings of Fact more properly termed Conclusions of Law are hereby adopted as such.

4. Since July of 1992, Mardell A. Rodman has accepted contracts for teaching positions which require licensing without being licensed properly for those positions, in violation of Minn. Rule 8700.7500, subp. 2J. Ms. Rodman knew or should have known she was not licensed properly during this time period.

5. The copies of licenses presented by Ms. Rodman to Independent School District 709 (Duluth) in March of 1995 and to the Executive Secretary of the Board of Teaching on July 19, 1995 were altered to change the dates of issuance and expiration in an effort to represent falsely that the Teacher was licensed properly to teach during the 1994-95 school year. Ms. Rodman knew or should have known that the documents were altered. The alteration, misrepresentation and knowledge of such by Ms. Rodman violates Minn. Rule 8700.7500, subp. 2H.

6. The violations detailed at Conclusions 4 and 5 constitute violations of the Code of Ethics for Minnesota Teachers. Pursuant to Minn. Rule 8700.7500, subp. 5e, the License to Teach of a person determined to be in violation of the Code of Ethics may be revoked by the Board of Teaching.

7. It is appropriate for the Board of Teaching to revoke the teaching license renewal privilege of Mardell A. Rodman for violation of the Code of Ethics for Minnesota Teachers, as specified at Minn. Rule 8700.7500, subps. 2H and 2J. Such discipline is contemplated within the meaning and effect of Minn. Rule 8700.7500, subp. 5e, which allows the Board to revoke the license of anyone who violates the Code of Ethics. For disciplinary purposes, a revocation of a renewal privilege is tantamount to the revocation of an actual existing, valid license.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: that the Board of Teaching take disciplinary action against the teaching license renewal privilege of Mardell A. Rodman.

Dated this 11th day of October, 1995

RICHARD C. LUIS
Administrative Law Judge

Reported: Taped
Transcript Prepared
Mary Ann Hintz, Court Reporter

MEMORANDUM

The evidence established by the Executive Secretary is clear - Mardell Rodman has not renewed her teaching license since 1992 and has worked continuously in teaching positions requiring that licensure since then, through the end of the 1994-95 school year. Even if one accepts (which the Administrative Law Judge does not) that Ms. Rodman, who claims to be "terrible with paperwork", simply forgot to renew her license those three years, it is apparent also that once the Licensee had to produce actual evidence of current licensure, she (or someone else, with Rodman's knowledge) altered the face of the license issued to her in 1990 by changing the dates of issuance and expiration. In fact, the old license was falsified or altered twice, in different fashions, early in 1995 and again in July. At best, these were acts of extremely poor judgment. At worst, it was outright fraud. At either extreme, or wherever in between the Licensee's culpability actually falls, the conclusion is inescapable that she has violated the Code of Ethics of her profession and must accept the consequences.

In so concluding, the ALJ rejects Ms. Rodman's professed ignorance as to how the license copies (or copied "originals") were altered. Ms. Rodman got into a position of realizing she had been neglectful in not renewing her license, and feared a dire consequence for having taught without proper licensure so much that she resorted to an attempt to misrepresent that she actually had been licensed. The Judge understands how a person could, under stress, attempt to extricate herself from such a dilemma in the way he believes Ms. Rodman has done. However, to make such an attempt and fail carries with it disciplinary consequences that cannot be overlooked. The evidence points convincingly to a conclusion that Ms. Rodman, or someone on her behalf, altered the face of the license and Ms. Rodman knew about it. Such knowing falsification compounds what may have been the simple neglect of failing to pay attention to filing and payment deadlines for relicensure.

No specific discipline is recommended. The Administrative Law Judge notes that Minn. Rule 8700.0800, subp. 1 provides for granting of a "entrance license" upon evidence that all terms and conditions imposed by the Board have been fulfilled and upon meeting licensing standards. If Ms. Rodman's license renewal privilege is revoked, which consequence was mentioned in the Notice of Hearing in the event of default, it seems appropriate that one term of the revocation be that it last at least as long as Ms. Rodman taught without being licensed properly (three years).

RCL